

**Notice of Allowability**

Application No.

09/418,663

Examiner

Eduardo Garcia-Otero

Applicant(s)

HAKEWILL ET AL.

Art Unit

2123

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Request for Continued Examination received 7/26/04.
2. ☒ The allowed claim(s) is/are 12-22,40-42,47,48,75-93,95-102,104,106 and 108-117.
3. ☒ The drawings filed on 14 October 1999 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☒ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☒ to Paper No./Mail Date 7/31/2002.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 7/26/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

*C. D. Thum*  
*Praxis Exam*  
*TC 2100*  
*Aug 2103*

## **ALLOWANCE**

### ***Introduction***

1. Title is: METHOD AND APPARATUS FOR MANAGING THE CONFIGURATION AND FUNCTIONALITY OF A SEMICONDUCTOR DESIGN.
2. Applicants are: HAKEWILL et al.
3. This action is in response to second Request for Continued Examination, and Declaration by co-inventor James Hakewill, received 7/26/04.
4. The pending claims are: 12-22, 40-42, 47-48, 75-93, 95-99, 100-102, 104, 106, and 108-117.
5. The independent claims are: 12, 18, 40, 47, 48, 75, 76, 77, 78, 79, 85, 91, 97, 102, 104, and 106.
6. Applicant claims priority to provisional application 60/104,271 filed Oct. 14, 1998.

### ***Index of Important Prior Art***

7. **Dangelo'678** refers to Dangelo et al. US Patent 6,324,678 B1.
8. **Dupenloup'123** refers to Dupenloup et al. US Patent 6,378,123 B1.
9. **Wirthlin'434** refers to Wirthlin et al. US Patent 6,173,434.
10. **Dangelo'958** refers to Dangelo et al. US Patent 5,801,958.
11. **Rostoker'399** refers to Rostoker et al. US Patent 5,867,399.
12. **Cambell** refers to Cambell et al., "A tutorial for make", Proceedings of the 1985 ACM annual conference on the range of computing: mid-80's perspective, 1985, Denver, Colorado, United States. Pages 374-380. ISBN 0-89791-170-9.
13. **Gupte'474** refers to Gupte et al. US Patent 5,903,475.
14. **Heile'369** refers to Heile et al. US Patent 6,321, 369.
15. **Turino'892** refers to Turino et al. US Patent 5,994,892.
16. **Smith** refers to "HDL Chip Design" by Douglas J. Smith, Ninth printing July 2001, minor updates. First Printing June 1996. Doone Publications. ISBN 0-9651934-3-8. pages 1-25.

### ***Applicant Remarks***

17. INFORMATION DISCLOSURE STATEMENT. The Examiner has signed the Information Disclosure Statement properly showing dates for all of the documents. A signed copy is enclosed for the Applicant.

18. INDEFINITENESS REJECTIONS-WITHDRAWN. All prior rejections for indefiniteness are withdrawn due to Applicant's persuasive assertions at Remarks pages 21-22.
19. 35 USC 103 REJECTIONS-WITHDRAWN. All prior rejections under 35 USC 103 are withdrawn due to Applicant's amendments, cancellations, and persuasive assertions at Remarks pages 22-32.
20. Thus, all outstanding rejections have been overcome.

***REASONS FOR ALLOWANCE: novelty, and commercial success***

21. Independent claim 12 (third part of the first limitation) states "generating through an automated process a customized description language model based on at least one customized parameter, the at least one prototype description, and at least one extension logic description and modifying the at least one prototype description by substituting values in the at least one prototype description or merging additional descriptions based on the at least one customized parameter".
22. Independent claim 12 is allowable because the above limitation is novel, in the context of the other limitations. All other pending independent claims are allowable because they contain the same novel limitation, and all pending dependent claims are allowable for the same reason.
23. Additionally, Applicant has also presented substantial evidence of commercial success, which is given substantial additional weight.
24. Specifically, the declaration by Peter Hutton received 4/29/04 discusses the commercial success of the commercial product, and the declaration by James Hakewill received 7/26/04 provides a detailed mapping of the claim limitations to the commercial product at pages 2-28. This evidence is very strong, and is given substantial additional weight. See *Minnesota Mining and Manufacturing Co. v. Johnson & Johnson Orthopedics, Inc.*, 24 USPQ 2d 1321 (Fed. Cir. 1992). Also see MPEP 716.01(a), 716.03, and 716.03(a).
25. Thus, all pending claims are allowed.

***Conclusion***

26. All pending claims are allowed.
27. All prior rejections and objections are withdrawn.

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*Communication*

28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eduardo Garcia-Otero whose telephone number is 703-305-0857. The examiner can normally be reached on Monday through Thursday from 9:00 AM to 8:00 PM. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Kevin Teska, can be reached at (703) 305-9704. The fax phone number for this group is 703-872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist, whose telephone number is (703) 305-3900.

\* \* \* \*

*CUR*  
*W-D Team*  
*Princy Glean*  
*TC 2100*  
*Art 2123*